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10/807,647	03/23/2004	Rosa Wilkins-Langie	WIL1.PAU.01	3897

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EXAMINER
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MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

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05/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/807,647

Applicant(s)

WILKINS-LANGIE ET AL.

Examiner

Tri M. Mai

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, more than three compartments, the insulating material in claim 4, the padding material in claim 5, the strap being removable and adjustable (cl. 9, 21) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claim requires “three or more compartments”. However, the disclosure only shows only three compartments.

Regarding claim 21 it is unclear how the strap being removable and adjustable.

3. Claims 1-3, 10, 14, and 18-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Tong (20020148743). Tong teaches a bag with three compartment with a stack position as shown in Fig. 8, and an open position where the compartments being side by side, i.e., the three bag can be opened side by side (e.g., in Fig. 6) the top bag can be opened via the zipper at 32 and can be positioned side by side as claimed and similar to that of Scicluna et al. 20040108179).

Regarding claim 2, wall 14 is the bottom wall of the middle bag and faces in a downward position when the bags are positioned side by side.

Regarding claim 3, note the pocket between the two legs of handle 16 in Fig. 6.

4. Claims 1-2, 4-6, 10, 11, 13-15, 17-20, 22, 24, 25, 26, 28-29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. (20040108179). Scicluna teaches a bag with three compartment with a stack position as shown in Fig. 1, and an open position where the compartments being side by side in Fig. 5

Regarding claim 4-5, and 28-29, portion 108 is insulating/padding material as claimed, since the terms insulating/padding “material” is broad.

Regarding claim 11, note at the handle 26 in fig. 4.

Regarding claim 15, note portion 110a.

Regarding claim 17, note flaps 96, 100.

Regarding claim 25, note the external pocket in Fig. 1, , internal pocket (zipper 73) in Fig. 2, and strap 78.

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5. Claims 4-5, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. in view of Berry et al. (2795258). To the degree it is argued that Scicluna does not teach an insulating/padding material, it would have been obvious to one of ordinary skill in the art to provide insulating material (which is also the padding material) in the first and second compartments as taught by Berry to enable to store and protect the desired contents.

6. Claims 7, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. in view of Young (6105072). It would have been obvious to one of ordinary skill in the art to provide removable plastic liner as taught by Young to provide added protection for the contents.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. in view of Tong. It would have been obvious to one of ordinary skill in the art to provide a mesh pocket on the upper compartment as taught by Tong, note mesh 12 in Fig. 5, to enable one to store additional contents.

8. Claims 21, 23, 27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. in view of Bernbaum et al. (2040045780).

Regarding claim 21s, and 31, it would have been obvious to one of ordinary skill in the art to provide an adjustable and removable straps as taught by Bernbaum (note straps 22a, 22b or straps 226 in Fig. 7) to enable one to move the luggage as desired.

Regarding claim 23, It would have been obvious to one of ordinary skill in the art to provide pockets on the separator flaps as taught by Bernbaum (note pockets 16e in Fig. 3, 136 in Fig. 6, and pocket in the separator flap in Fig. 8. It would have been obvious to one of ordinary skill in the art to provide pockets on the separator flaps to enable one to store more contents.

Regarding claim 27, Bernbaum teaches that it is known in the art to provide pockets on the various side of the bag. It would have been obvious to one of ordinary skill in the art to provide external pockets as taught by Bernbaum to enable one to store additional contents.

9. Claims 1-3, 8-10, 14, 15, 17-22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bernbaum et al. (6644448). Bernbaum teaches a utility bag having three compartment connected to one another and compartments being on top of one another as claimed.

Regarding claim 2, note the embodiments of Figs. 19, 21.

Regarding claim 3, note the external mesh pockets in Fig. 1, 4, 10, etc.

10. Claims 4-7, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum in view of Hjelle (5005679). It would have been obvious to one of ordinary skill in the art to provide an insulating padding liner material as taught by Hjelle to insulate the content in one of the compartments and/or to provide added protection.

Regarding claim 5, the material in Hjelle is the padding material in claim 5 as claimed.

Regarding claim 9, note the strap in Figs. 7, and 13.

11. Claims 11, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum in view of Scicluna. Bernbaum teaches the upper most compartments having a lid portion in Fig. 20. Bernbaum meets all claimed limitations except for the handle having a lid. It would have been obvious to one of ordinary skill in the art to provide a handle on top of the lid as taught by Scicluna, note lid with handle 26, or Godshaw, note handle on lid in Fig. 1, to enable one to carry the bag easily.

Regarding claim 32, it would have been obvious to one of ordinary skill in the art to provide zipper to secure the compartments to keep the compartments together.

12. Claims 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum in view of Godshaw et al. (6883654). It would have been obvious to one of ordinary skill in the art to provide a handle on top of the lid as taught by Godshaw note handle on lid in Fig. 1, to enable one to carry the bag easily.

Regarding claim 12, It would have been obvious to one of ordinary skill in the art to provide mesh pockets in the uppermost compartment as taught by Godshaw (note 123 in Fig. 8, or mesh pocket in fig. 10) to enable to store additional contents.

13. Claim 13, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum rejection, and further in view of Tong. It would have been obvious to one of ordinary skill in the art to provide an internal straps as taught by Tong to enable one to secure the contents.

14. Claims 16, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum. Bernbaum also teaches the external pockets in Figs. 9-10 and in Figs. 3, and 14. It would have been obvious to one of ordinary skill in the art to provide the pocket in the emb. of Fig. 20 to enable one hold additional contents.

15. Claims 21, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum. It would have been obvious to one of ordinary skill in the art to provide a adjustable removable strap, it would have been obvious to one of ordinary skill in the art to provide an adjustable and removable straps (note straps 22a, 22b or straps 226 in Fig. 7) in the embodiment of Fig. 20 to enable one to move the luggage as desired.

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16. Claims 4, 5, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum in view of Suh (5117952). It would have been obvious to one of ordinary skill in the art to provide insulating material 6 in Fig. 5B(which is also the padding maternal) in the first and second compartments as taught by Suh to enable to store and protect the desired contents.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
Art Unit 3781

